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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 113 of 2000

CORAM: HON'BLE SHRI S.R.NAYAK, CHIEF JUSTICE &
HON'BLE SHRI DILIP RAOSAHEB DESHMUKH, J.

PETITIONER : Dr. Inamur Rehman
S/o Shri Ataur Rehman, aged about 40 years,
R/o Killapara, Pandari, District-Kawardha

VERSUS

RESPONDENTS
1. State of Chhattisgarh
Through: The Principal Secretary, Department of Public Health Services, Raipur.
2. The Director,
Health Services, Raipur.
3. The Chief Medical & Health Officer, Bilaspur.

Present:-
Shri Indrasen Sahu, learned counsel for the petitioner.
Shri Yeshwant Singh Thakur, Govt. Advocate for the State.

ORAL ORDER
(Passed on 12th April, 2006)

The following order of the court was passed by **S.R.Nayak, C.J.**

The petitioner was appointed as Assistant Surgeon on *adhoc* basis vide order dated 07-12-1990 with specific understanding that his appointment was only for a period of 6 months. The petitioner was however continued beyond 6 months for a further period of 3 months in order to facilitate him to undergo a training course. Thereafterwards, his services were terminated. In the circumstance, the petitioner moved an application O.A.No.2681/1991 before the M.P. State Administrative Tribunal, Jabalpur (for short "the Tribunal") claiming that since the department continued his services for a further period of 3 months after the agreed period of 6 months, his services should not have been terminated after completion of 9 months and his services should have been continued forever. This claim put forth by the

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petitioner before the Tribunal was not acceptable in terms of law. In these circumstances, O.A. Number 2681/1991 was dismissed by the Tribunal vide its order dated 10-12-1999. Hence, this Writ Petition under Article-226 of the Constitution of India.

2. We have heard learned counsel for the parties. The order of the Tribunal is unexceptionable. We do not find any semblance of legal right in the petitioner to claim that by virtue of the *adhoc* appointment order dated 07-12-1990, he should have been continued in service beyond 9 months simply, because, after the expiry of 6 months envisaged in the order dated 07-12-1990, his services were continued for a further period of 3 months in order to facilitate him to undergo a training course. If there is a vacancy in the post of Assistant Surgeon that vacancy has to be filled in accordance with recruitment rules governing recruitment and appointment to the post of Assistant Surgeon. The backdoor entry made by the petitioner by way of *adhoc* appointment for a period of 6 months in exigency of service would not vest any enforceable right in the petitioner to stick on to the post. The Writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge